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S E C R E T SECTION 01 OF 03 BAGHDAD 003057

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E.O. 12958: DECL: 08/21/2016

TAGS: [PGOV](#) [PINS](#) [PNAT](#) [PREL](#) [PTER](#) [MOPS](#) [IZ](#)

SUBJECT: IRAQI MINISTERS ON DETENTION CENTERS INSPECTIONS
AND LEAHY AMENDMENT

Classified By: Charge d'Affaires Daniel V. Speckhard for Reasons 1.4 (b)
) and (d).

11. (S//REL GBR AUS) SUMMARY: At an August 20 meeting at the Ambassador's Residence the Ministers for Defense, Interior, Justice and Human Rights discussed procedures for improving the treatment of criminal detainees in Iraq in accordance with applicable human rights standards. Regarding the Site 4 human rights abuses and possible Leahy Amendment implications, Minister of Interior Bolani asserted that he is waiting for a written letter from the investigative judge confirming that there is probable cause to arrest the people for whom arrest orders have been issued. (NOTE: This letter was delivered to Minister Bolani on Monday, August 21. END NOTE.) The Minister of Human Rights complained that her letter to the PM asking for the resumption of inspections at Iraqi detention facilities and prisons has not been answered. She accepted with alacrity the Ambassador's offer to raise the issue with the Prime Minister. The ministers discussed the future of the Jordanian International Police Training Center (JIPTC) in Jordan but did not come to a conclusion. The discussion also revealed several inter-ministerial committees that have human rights implications, and the Human Rights Minister - who had not previously known of their existence - was invited to attend their meetings. The discussion was held in a serious and earnest atmosphere and improved the communications flow among the four ministers, particularly with the Minister of Human Rights. END SUMMARY.

12. (S//REL GBR AUS) On August 20, the Ambassador invited to his Residence Defense Minister (MOD) Abdul Qader al-Mufraji, Interior Minister (MOI) Jawad al-Bolani, Justice Minister (MOJ) Hashim al-Shibli, and Human Rights Minister (MOHR) Wijdan Mikha'il. Also participating were Rule of Law (ROL) Coordinator James Yellin; Task Force 134 (detainee operations) Commanding Major General Jack Gardner; Senior Consultant at the Ministry of Justice Dr. Frank A. Ramaizel; and Pol-Mil Counselor Maerkle (note-taker).

Jordan International Police Training Center (JIPTC)

13. (S//REL GBR AUS) The Ambassador raised the issue of the future of JIPTC. Should it be closed and all training conducted in Iraq? Should it be open to police officers from other countries? Should it focus on specialized training such as counter-terrorism instead of the present introductory police training? MOI Bolani said it should be kept open because he is firing incompetent officers, and will need to train their replacements. He would welcome trainees from other countries that could help spread the Amman facility's operating costs. MOJ al-Shibli objected that JIPTC's cost is too high, and that a similar but lower cost international police training facility attracting foreign instructors could be established in the Kurdistan region, the most stable and

secure part of Iraq. MOI pointed out that when the JIPTC was established, Iraq had no such facilities. JIPTC has trained 38,000 police force members. Now, Iraq's Interior Ministry has 12 police academies graduating 2,500 trainees every two months, for a total of about 15,000 graduates a year. The Iraqi curriculum includes a human rights component, and members who pass the test are given a special reward. There remains a problem of under-trained commanders in the police force, however, especially in technical areas such as explosives.

Iraqi Inter-Ministerial Committees on Detainees

14. (S//REL GBR AUS) Responding to the Ambassador's question on inter-ministerial committees, MOD Abdul Qader explained that the GOI has a special committee composed of deputy ministers chaired by the MOJ, an Inspectors General sub-committee on human rights, and a Transitional Justice and Rule of Law Committee sponsored by the UN. Finally, there is a committee on the transfer of prisoners from the Interior Ministry to the Justice Ministry. ROL Coordinator Yellin pointed out that the Justice Integration Project supports an inter-ministerial committee chaired by the Chief Justice that seeks to improve coordination among the police, prisons, courts and other elements of the justice system. MOHR said that she was unaware of some of these committees that have human rights implications, and the MOI promptly invited her to attend one such meeting the following day.

Judicial Process is Not Well Coordinated

15. (S//REL GBR AUS) ROL Coordinator Yellin observed that there is insufficient communication and coordination between

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the police and the judicial system. When MOJ blamed the Higher Juridical Council (HJC), MOI complained that the Facilities Protection Service (FPS) at the MOJ is irresponsible. When MOI delivers detainees, the FPS rejects them. MOJ complained that after a detainee is arrested, an investigative judge should hear the charges within 72 hours and make a preliminary judgment whether the person should be formally charged, released, or held pending further investigation. Often the detainees that the FPS rejects are those who lack the records issued by an investigating judge. MG Gardner pointed out that many investigative judges fear going to detention centers to hear cases because if they are recognized and their names known, they and their families may be in danger. MG Gardner strongly urged that HJC Chief Judge Medhat should be brought into the process in order to address this challenge of investigative judges' reluctance to review MOI detainees and issue detention orders. This reluctance is the primary obstacle to the Ministry of Justice agreeing to receive MOI detainees. The Ambassador suggested that the meeting the following day should raise that topic with Judge Medhat.

Status of the GOI Prison Inspection Teams

16. (S//REL GBR AUS) The Ambassador asked why the work of the Iraqi detention facilities inspections team abruptly ended on May 30, after the most recent inspection at Site 4, where the team again found abusive and overcrowded conditions, and whether these inspections could be restarted. MOI Bolani said that MOI has established its own committee to follow up on the condition of detainees, coordinating with the HJC so the HJC can speedily adjudicate the cases. Further, each ministry has its own inspection process. MOI has its own detainee health and social affairs office. Detainees can now talk to their families weekly.

17. (S//REL GBR AUS) MOJ doubted that inspections alone would be effective. He said that corruption is widespread in the Iraqi detention and prison systems. Even if there were weekly inspections, he said, once the inspectors left the

abuse problems would continue. What is needed is an administrative reform program to rebuild the Iraqi justice system. This would require extensive training. For example, in many cases ordinary police officers are in charge of detention facilities, rather than wardens trained in administration and criminal justice. But people selected for any training, especially that conducted overseas, must be evaluated beforehand for their ability to absorb what they learn, and then pass it on to their Iraqi colleagues and subordinates.

Lack of Written Authorization for Resumed Inspections

¶8. (S//REL GBR AUS) MG Gardner explained that after the Site 4 inspection, the Iraqi inspection team members felt threatened, and asked for written authorization from the Prime Minister for the inspections to continue. To date, they have not received written authorization from him. MOI Bolani asked that any resumption of inspections be by professionals, and not include Council of Representative (CoR) members. He complained that CoR members had accompanied an inspection of Diyala Prison, and playing to the Iraqi street, took along cameras to photograph those accused of human rights violations. The photos, in turn, quickly appeared on all the satellite TV broadcasts. The accused officers promptly disappeared into Iraqi society, without a fair trial and without punishment. (NOTE: No Iraqi prison inspections with MNF-I and Embassy support have occurred in Diyala province, and no CoR representatives have ever participated in any such inspection. End Note.)

¶9. (S//REL GBR AUS) The Minister of Human Rights noted that she had sent a letter to Prime Minister Maliki about MOHR-headed inter-ministerial inspections of prisons and detention facilities. She never received a response. She feels strongly that more inspections are needed. The Ambassador quickly offered to take a copy of her letter to the Prime Minister and ask him to respond to her promptly. She accepted his offer with alacrity, while noting that this meeting at the Residence was the first time that she had had a four-way discussion among the other three principal ministers of the detention and justice system.

Ministers Agree Inspections Should Resume

¶10. (S//REL GBR AUS) All ministers agreed that the Iraqi-led
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inspections, supported by MNF-I and the U.S. Embassy, should resume. The teams should be comprised of Inspectors General from the Ministries of Defense, Interior, Justice, and Human Rights, with MNF-I and Embassy support. The Minister of Human Rights agreed to lead efforts on behalf of the ministers present for reinstatement of these inspection teams.

Site 4 and the Leahy Amendment

¶11. (S//REL GBR AUS) As the group was breaking up, the Ambassador accompanied MOI Bolani to the front door, and gave him in writing talking points explaining that the failure to execute the arrest warrants issued by an Iraqi judge on June 27 for 17 people (including MOI Major General Mahdi Sobiah, the Commander of the Second National Police Division) implicated in the torture and human rights abuses discovered at Site 4 and other MOI detention facilities on May 30 could jeopardize continued U.S. assistance to the Iraqi National Police on the basis of the Leahy Law provisions of the Foreign Operations and the DoD Appropriations Acts. (Note: There is credible evidence that these 17 people committed gross violations of human rights. End Note.) Bolani replied that he was waiting for a letter from the investigative judge confirming that there was probable cause to arrest the people in question. He also said that two of those named by the

judge had already turned themselves into the police for questioning. (Note: Though Bolani has had the warrants for weeks and faces no apparent legal obstacle to their execution, such a letter, along with additional materials justifying the warrants, was prepared for him on August 7 and successfully delivered to him on Monday, August 21. End Note.)

Comment

¶12. (S//REL GBR AUS) Although the topic of human rights abuses was potentially controversial, the discussion was held in a serious and earnest, but not tense atmosphere. Even MOI Bolani, whose ministry was most under fire, was not excessively defensive, but rather seemed to freely acknowledge problems and express willingness to reform and improve the MOI. The lunch improved the communications flow among the four ministers, particularly with the Minister of Human Rights.
SPECKHARD